IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

Criminal Writ Petition No.666 of 2007

Punit Vijay Gupta & ors. Applicants

Vs.

The State of Maharshtra & anr. Respondents

Mr.Rishi Bhuta for applicants.

Mr.Dipak Churi for resp.no.2.

Mr.Y.S.Shinde, APP for State.

CORAM: B.H.MARLAPALLE, J.

July 25, 2007.

P.C.

. Heard the learned counsel for both the parties.

. Rule. Respondents waive service. By consent the Rule is made returnable forthwith.

. The applicant-husband and his mother and sister-in-law who are the petitioners in this petition pray for quashing the proceedings in Criminal Case No.584/P/2004 which has originated from

C.R.No.104/2004 filed under Sections 498-A, 406 read with Section 34 of IPC. The learned counsel for the respondent no.2 has supported the petition.

. The parties were married on 26/5/2002 and allegedly the respondent no.2 left the matrimonial home on 4/4/2004 i.e. after about two years of marriage and she filed the FIR on 22/7/2004 as noted hereinabove with the Meghwadi Police Station. The petitioners were granted anticipatory bail by the Sessions Court on 17/3/2004. In April 2005 the petitioner no.1 filed a petition for divorce before the Family Court at Mumbai and on 29/3/2007 both the parties appeared before the Family Court and filed Consent Terms for dissolution of marriage. On 5th April 2007 divorce by consent has been granted by the Family Court at Mumbai.

. Under these circumstance,s when the matrimonial relationship has been brought to an end by consent of the parties, the petitioners and the respondent no.2 rely upon the judgment of the Apex Court in the case of B.S. Joshi & ors. vs. State of Haryana & anr. **[2003 SCC (Cri) 848]**.

. Hence by consent the petition is allowed and

Rule is made absolute in terms of prayer clause (d).

(B.H.MARL